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South Carolina House of Representatives

Legislative Update

David H. Wilkins, Speaker of the House

Vol. 13

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WEEK IN REVIEW

HOUSE

resignation

Georgetown Representative Paula Thomas resigned House Seat 108 in order to run for a Circuit Court. That seat was left vacant when Ralph King Anderson was elected to the Court of Appeals earlier this year. Due to the timing of her resignation, a special election to fill her House seat will not be necessary.

conference report adopted

Agreement was reached on S. 699, concerning the sale of real estate to collect delinquent property taxes. The bill increases the interest rate from eight to twelve per cent during the final six months of the redemption period. Owners must be notified in writing of any excess due the taxpayer. Conferees also removed language prohibiting county officials and their families from profiting from the sale.

The House adopted the conference report on S. 1195, after Representatives Rita Allison, Harry Stille, and David Wright were appointed as conferees earlier in the week. The bill enacts the "Higher Education Accountability Act, " and is the first legislation in the nation to base funding for thirty-three public institutions on achievement of performance standards rather than the number of attending students. The measure authorizes the Commission on Higher Education to reduce duplication and coordinate services in the state's higher education system by expanding, reducing, or eliminating programs. However, the General Assembly still would have to approve these actions. Each institution will define its mission. Funding then will be determined based on nine success factors and thirty-six performance standards. These include such concerns as entrance standards, graduation rate, faculty credentials, collaborative efforts with other institutions, and research activities. An amendment to the bill prohibits the Commission on Higher Education from interfering with single-gender education, unless ordered by federal courts. Representatives also gave free conference powers to conferees on H. 3300, and then adopted their report, making South Carolina the thirty-first state to adopt such a measure. Patterned after New Jersey's "Megan's Law," the bill expands public accessibility to sex offender registries currently available to only law enforcement officials. While the measure originally allowed public posting of the entire list at the county sheriff's department, it was amended to provide instead that a person could ask about a suspected offender at a particular address to see if the resident is on the list. This was done to preclude lawsuits stipulating that a person is being punished twice for the same crime. An amendment to the measure also provides that a person convicted of consensual sex with a minor would face only a three year sentence, rather than the current twenty years, when there is less than four years difference in their ages. However, this would not apply if there is more than four years difference, or if the minor is under fourteen years old. If the consensual sex is between persons under sixteen years old, the offender would not be included on the registry.

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conference committee appointed

Ways and Means Chairman Henry Brown and Representatives Billy Boan and Alfred Robinson were appointed as conferees on H. 4600 and H. 4602, appropriating money from the budget and the capital reserve fund. Representatives Jim Klauber, Jim Hodges, and Jeff Young were appointed as conferees on S. 1315. The measure revises the South Carolina/Georgia border based on North American Datum 1927. Representatives amended the bill to provide an extension for candidates for sheriff to submit fingerprint reviews. The proposed legislation would not apply to incumbent sheriffs. However, Senators deleted that language, and submitted the proposal in two other forms. First the provision was introduced as a separate bill, S. 1380, which already has received third reading in the Senate and is now in the House Judiciary Committee. Also, S. 90 concerning armed robbery was amended to provide for the extension.

concurrence in Senate amendments, to be ratified

H. 3909 provides that no subcontracting architect, engineer, land surveyor, landscape architect, or their employees are liable for injury resulting from the contractor's failure to comply with safety standards on a construction project. However, the immunity does not apply to negligent preparation of design plans or specifications. H. 4136 provides for confidentiality of anonymous HIV testing. H. 4502 prohibits same-sex marriages in South Carolina. While no states currently recognize these marriages, the Hawaiian State Supreme Court has indicated it would if appealed. H. 4676 revises Bingo laws. Originally the bill defined a "nonprofit organization" as one that is organized and operated exclusively for charitable, religious, or fraternal purposes. Senators amended the measure to address the issuance of licenses and hiring prohibitions instead.

nonconcurrence in Senate amendments, to conference committee

S. 507 provides that a person applying to operate a private detective business must meet the same qualifications as a person applying to become a private detective. The measure also allows retired law enforcement officials to carry weapons.

nonconcurrence in Senate amendments, amended, returned to Senate for concurrence

H. 3961, concerning judicial reform, provides for a referendum to amend the State Constitution in order to establish a Judicial Merit Selection Commission. The Commission is authorized to investigate and review candidates, in order to eliminate weak ones. Legislators would not be allowed to vote for any candidate found "unqualified." The measure also increases the minimum age of judges from twenty-six to thirty-two years old. The House and Senate disagree over the size and appointment of the Commission. Representatives proposed eleven members, while Senators suggested thirteen. The Senate also amended the bill to provide that a legislator must be out of the General Assembly for at least one year before applying for a judgeship--a provision which the House refused to adopt earlier this year. Another Senate amendment provides that successful candidates must receive a majority of both the House and Senate, rather than a

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majority of the total number of legislators. Representatives removed this provision. H. 3962 also provides for a referendum concerning judicial reform. Voters would be asked if a Judicial Merit Selection Commission should be established, whether the minimum age for judges should be raised, and if candidates should receive a majority of both chambers of the General Assembly. Representatives nonconcurred with H. 4600, next fiscal year's \$4.4 billion dollar budget, and H. 4602, which spends over \$80 million dollars in capital reserve funds. Senators included \$20 million dollars for the first year of a three year phase in of all day kindergarten for five year olds, but Representatives did not provide any funding for that program. Both the House and Senate provided the Department of Juvenile Justice almost all of the \$29.9 million dollars requested by Governor David Beasley to address federal mandates easing overcrowding and other conditions. The money will be used to hire additional staff, and to provide alternative treatment programs. Property tax relief under both versions is continued at the current level. In most cases, the first \$100,000 of a home's value would be exempted from property taxes. However, Senators changed the distribution formula, citing the need for parity between donor and recipient counties. Rather than basing the formula on tax rates and property values, Senators placed greater emphasis on a county's population as reflected in the 1990 census. Both the Senate and House voted to give teachers a 3.4% pay raise, but differences exist in their proposed state employee pay raises. Senators approved a 3.4% pay raise, while Representatives agreed on 2.4%. Both chambers proposed a 12% pay raise for corrections officers. Two-third's of the necessary funds will come from savings achieved by the Department of corrections. However, the House suggested pay raises begin July 1, 1996, while the Senate postponed the raise until October. Both plans included \$20 million dollars to install telecommunications equipment in schools. Legislators also agreed to increase the tax exemption for parents of children under six years old from \$3,600 to \$4,200, and to begin a three year phase in extending the manufacturer's depreciation rate from 80% to 90%.

received third reading, to be ratified

S. 1176 enacts the "South Carolina Credit Union Act of 1996." The bill provides for the organization, operation, and supervision of cooperative nonprofit thrift and credit associations known as credit unions. The House version of this measure, H. 4686, is now in the Senate Banking and Industry Committee. S. 1266 eliminates a two week break in the deer hunting season on private lands in Game Zone 4. S. 1305 reforms property insurance problems faced by coastal landowners. It provides that premium rates may not increase more than once every six months, and bases rates on ninety per cent or less of those approved for the South Carolina Wind and Hail Underwriting Association. A similar measure, H. 4865, received third reading in the Senate last week and has been enrolled for ratification. S. 1345 provides that the Hunley Commission is exempt from the state procurement code. The measure also authorizes the Commission to sign an agreement giving the state permanent custody of the Confederate submarine sunken off the coast of Sullivan's Island. However, the federal government would retain the Hunley's title. S. 1395 provides that municipalities which did not adopt one of four specified forms of government within fifteen months after December 31, 1977, are considered to have forfeited their articles of incorporation. These articles would not be reinstated until the municipalities notify the Secretary of State which form of government has been adopted.

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received third reading, amended, returned to Senate for concurrence

S. 62 provides that an inmate who escapes or attempts to escape from custody may not serve the remainder of his sentence or any additional sentence in a minimum security facility. The bill was amended to provide that such an inmate may receive an additional sentence of up to fifteen years, rather than the current five years. This additional sentence would be served consecutively to other sentences. S. 1054 authorizes joint agencies to sell limited amounts of excess electricity at wholesale prices. The bill also provides that these agencies may build certain distribution projects without prior approval from the Public Service Commission. S. 1164, concerning intestate succession, provides that the probate court may limit or deny survivor benefits to an estranged parent who has refused to reasonably support his child. S. 1293 authorizes a crime victim to receive a free copy of the incident report pertaining to his case. The ten dollar (\$10) fee for this document would be paid by the offender. The bill also addresses restitution payments and hearings. It authorizes the Attorney General or his designee to attend these hearings. The estimated fiscal impact of this measure is over \$3 million dollars annually. The House amendment stipulates these provisions would be done only if there is sufficient funding. A similar bill, H. 4657, is currently in the Senate Judiciary Committee.

received third reading, sent to the Senate

H. 4477 requires vehicles driven by a person without a driver's license to be impounded at the driver's expense. The measure provides for different impoundment periods for a first, second, and third offense. It also establishes a thirty day grace period after license expiration during which a vehicle could not be impounded. H. 4631 provides that non coin-operated laundry, dry cleaning, dyeing, and pressing services are exempted from sales tax. The measure would reduce sales tax revenue by about \$6.3 million dollars annually. A similar proposal was tacked onto the Senate version of the budget. H. 4657 authorizes a crime victim to receive a free copy of the incident report. The ten dollar fee for the document would be paid by the offender. The bill also addresses restitution payments and hearings. It is estimated that this measure would cost the state \$3 million dollars annually. A similar bill, S. 1293, received third reading in the House last week, was amended, and returned to the Senate for concurrence.

concurrent resolution adopted

H. 4991 memorializes the United States Forest Service to deny a permit for commercial mining on public lands in the Upper Chauga River Watershed.

tabled

H. 4453 provides students with a fourth opportunity to pass the Education Entrance Examination (EEE) this year. The measure was killed because a similar bill, S. 949, has been passed by both chambers and now is in the Senate for concurrence in a House amendment.

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continued

S. 21 legalized the practice of tattooing for nonmedical purposes. An amendment to the bill prohibited tattooing anyone under eighteen years old, or the neck or head. South Carolina is one of four states which ban tattooing. H. 4245 recognizes the Chicora-Waccamaw and the Pee Dee Indian Tribes. It confers upon these tribes such rights and privileges as are provided by law to Indian tribes. The economic impact of this measure is uncertain. However, a similar measure concerning the Catawba Indians resulted in a \$12.5 million dollar settlement with that tribe. The Senate version of this bill, S. 862, is in the House Judiciary Committee. H. 4716 subjects foreign beer brewers and their distributors to the same laws which govern agreements between their domestic counterparts.

recommitted/committed

H. 3174 was recommitted to the Education and Public Works Committee. The bill establishes the Motorcycle Safety Education Trust Fund with money raised by increasing motorcycle registration and driver's license fees. The proposed legislation also provides new restrictions for beginning cyclists. Restrictions for beginning drivers are proposed in H. 3803. That bill was recommitted to the Labor, Commerce, and Industry Committee last week, as was H. 3827. The proposed legislation, concerning auto insurance reform, revises the current tier system for rating risks undertaken by the reinsurance facility and limits rates charged. H. 3931 also was recommitted to the Labor, Commerce, and Industry Committee. The measure provides for a presumption of total and permanent disability due to a fifty per cent or more loss of the use of the back. Among other provisions included in the measure is a stipulation that mental illness resulting from work-related stress is not compensable. H. 4651 was recommitted to the Judiciary Committee. It provides that a live animal may not be given as a prize for/or inducement to enter a game, contest, or place of amusement. Violators would be guilty of a misdemeanor punishable for each separate offense by a fine of not more than three hundred dollars (\$300), a sentence of not more than thirty days, or both. However, the raffling of animals would be allowed still. A similar measure, S. 1013, is in the House Judiciary Committee, too. H. 4712 was committed to the Agriculture, Natural Resources, and Environmental Affairs Committee. The bill increases the penalty for a third or subsequent offense of cruelty to animals. Currently an offender may be fined up to two thousand dollars (\$2,000) and imprisoned up to two years. This measure provides that a third or subsequent offense is a misdemeanor punishable by a fine of not more than five thousand dollars (\$5,000) and a sentence of not more than three years. A similar bill, S. 1263, also is in the House Agriculture, Natural Resources, and Environmental Affairs Committee. H. 4788 was recommitted to the Medical, Military, Public and Municipal Affairs Committee. The bill establishes conditions under which a patient may receive physical therapy without first being referred by a doctor or dentist. H. 4884 was recommitted to the Judiciary Committee. It provides that it is unlawful for an inmate to tell another person that he plans to commit a violent crime when released. A person who does this must be imprisoned for not more than ten years.

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recalled

Three bills were recalled from committees last week. Two were given third reading, and enrolled for ratification. **S. 1197**, which is still on the House calendar for second reading, requires that a nonresident owning or operating a shad net in the Savannah River be licensed. Violators would be guilty of a misdemeanor punishable by a fine of at least twenty-five dollars (\$25), or a sentence of not more than thirty days. Other measures included in the bill revise several current fishing and wildlife provisions, such as licensing and the hunter education program. **S. 1266** and **S. 1305** received third reading and were sent to the Senate. **S. 1266** eliminates a two week break in deer hunting season on private lands in Game Zone 4. **S. 1305** reforms property insurance problems faced by coastal landowners, and provides that premium rates may not increase more than once every six months. The bill bases premiums on ninety per cent or less of that approved for the South Carolina Wind and Hail Underwriting Association. A similar measure, **H. 4865**, is on the Senate calendar for second reading.

SENATE

conference report adopted

Senators granted free conference powers and then adopted the report on **S. 90**. The bill provides that penalties for armed robbery would apply to a robber who claims to have a weapon but does not. The bill was amended to provide an extension for candidates for sheriff to submit fingerprint reviews. Under the measure, the reviews would be due 130 days before elections in November. **S. 699** concerns the sale of real estate to collect delinquent property taxes. The bill increases the interest rate from eight to twelve per cent during the final six months of the redemption period. Owners must be notified in writing of any excess due the taxpayer. Conferees also deleted the language prohibiting county officials and their families from participating in sales for personal gain. Senators adopted the conference report on **S. 1195**. Education and Public Works Chairman Nikki Setzler and Senators Holly Cork and McKinley Washington had been appointed as conferees earlier last week on the measure which enacts the "Higher Education Accountability Act." This is the first legislation of its kind in the nation to base funding for thirty-three public institutions on achievement of performance standards rather than on the number of attending students. The bill authorizes the Commission on Higher Education to reduce duplication and to coordinate services in the state's higher education system by expanding, reducing, or eliminating programs. However, the General Assembly still would have to approve these actions. Funding then will be determined based on nine success factors and thirty-six performance standards. These include such concerns as entrance standards, graduation rate, faculty credentials, collaborative efforts with other institutions, and research activities. The House version of this bill, **H. 4637**, is now on the Senate calendar for second reading. The Senate adopted the conference report on **H. 3300**. Patterned after New Jersey's "Megan's Law," the bill expands public accessibility to a sex offender registry currently open to only law enforcement officials. While the measure originally

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allowed posting of the entire list at the county sheriff's department, it was amended to provide instead that a person could ask about a suspected offender at a particular address to see if the resident is on the list. This was done to prevent lawsuits stipulating that a person was being punished twice for the same crime. The measure also provides that a person convicted of consensual sex with a minor would face only a three year sentence, rather than the current twenty years, when there is less than four years difference in their ages. However, this would not apply when there is more than four years difference, or if the minor is under fourteen years old. If the consensual sex is between two persons under sixteen years old, the offender will not be included on the registry.

conference committee appointed

Finance Chairman John Drummond and Senators Verne Smith and Tyrone Courtney were appointed as conferees to H. 4600 and H. 4602, which appropriate money in the budget and the capital reserve fund.

concurrence in House amendments, to be ratified

S. 1033 requires that the Attorney General's Office establish a youth mentor program which combines community and church resources. Participation in the program may be ordered by the Family Court as a pretrial diversion option, as an alternative case disposition for nonviolent offenders, or as a condition of probation. This bill is similar to H. 4900, which remains in the House Judiciary Committee. S. 1043 requires health maintenance organizations (HMO's) to pay for hospital stays of up to two days after a vaginal delivery, and up to three days after caesarian sections. A similar bill, H. 4396, is in the Senate Banking and Industry Committee. S. 1054 authorizes joint agencies to sell limited amounts of excess electricity at wholesale prices. The bill also provides that these agencies may build certain distribution projects without prior approval from the Public Service Commission.

nonconcurrence in House amendments, to conference committee

S. 949 provides students with a fourth opportunity to pass the Education Entrance Examination (EEE) this year. The House amendment provides that after December 1, 1996, a student who has failed to pass the EEE after two attempts may retake the test a third time, but only after first completing a remedial course in that subject. A similar bill, H. 4453, was tabled by the House last week. H. 3961, concerning judicial reform, provides for a referendum to amend the State Constitution in order to establish a Judicial Merit Selection Commission. The Commission is authorized to investigate and review candidates in order to eliminate weak ones. Legislators would not be allowed to vote for candidates deemed to be "unqualified" by the Commission. The measure also increases the minimum age of judges from twenty-six to thirty-two years old. The House and the Senate disagree over the size and appointment of the Commission. Representatives proposed eleven members, while Senators suggested thirteen. Senators also want to provide that a legislator must be out of the General Assembly for at least one year before he could file for a

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judgeship--a provision the House rejected earlier this year. In addition, Senators had provided that successful candidates must receive a majority vote of both the House and the Senate, rather than a simple majority. H. 3962 also provides for a referendum addressing judicial reform. Voters would be asked whether a Judicial Merit Selection Commission should be established, whether the minimum ages of judges should be raised, and whether successful candidates should have a majority vote of both chambers of the General Assembly. Senators refused to concur in House amendments to H. 4600, next fiscal year's \$4.4 billion dollar budget, and to H. 4602, which spends over \$80 million dollars in capital reserve funds. The Senate included \$20 million dollars for the first of a three year phase in of all day kindergarten for five year olds. However, Representatives did not provide any funding for that program. Both the House and Senate provided the Department of Juvenile Justice almost all of the \$29.9 million dollars requested by Governor David Beasley to address federal mandates easing overcrowding and other conditions. The money will be used to hire additional staff, and to provide alternative treatment programs. Property tax relief under both versions is continued at the current level. In most cases, the first \$100,000 of a home's value would be exempted from property taxes. However, Senators changed the distribution formula, citing the need for parity between donor and recipient counties. Rather than basing the formula on tax rates and property values, the Senate placed greater emphasis on a county's population as reflected in the 1990 census. Both the Senate and House voted to give teachers a 3.4% pay raise, but differences exist in their proposed state employee pay raises. Senators approved a 3.4% pay, but Representatives agreed on 2.4%. Both chambers proposed a 12% pay raise for corrections officers. However, the House suggested the pay raises begin July 1, 1996, while the Senate postponed the raise until October. Both plans included \$20 million dollars to install telecommunications equipment in schools. Legislators agreed to increase the tax exemption for parents of children under six years old from \$3,600 to \$4,200, and to begin a three year phase in extending the manufacturer's depreciation rate from 80% to 90%.

received third reading, to be ratified

H. 4545, concerning a electric utility's costs, requires that the Public Service Commissioner review and set fuel costs. These costs then may be passed on to customers. Reviews would be done every twelve months rather than the current six months. The bill allows a utility to include air pollution control devices as fuel costs rather than capital costs. Also, a utility operating a nuclear power plant at ninety per cent net capacity would be required to make every reasonable effort to minimize operating costs. H. 4743 authorizes a candidate for director of a watershed conservation district to declare his candidacy with the State Election Commission, rather than by submitting a nominating petition.

received third reading, amended, returned to the House for concurrence

H. 3055 grants foreign language credit to courses in American sign language. H. 3373 provides that half of all fines collected for cruelty to animals must be awarded to any local

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nonprofit animal humane organization involved in prosecuting the violation. If none were involved, then the fine would be distributed as provided by law. **H. 3566** enacts the Juvenile Justice Code by consolidating various provisions into a single articles. Senators amended the measure to require that parents reimburse court and medical costs of juvenile offenders. **H. 3710** provides for a two year phase in of a sales tax exemption for machinery used in recycling. **H. 3915** originally revised the membership of the Commission on Higher Education. It also provided for the easier transfer of credits between institutions. However, Senators amended the bill to provide for leasing the Medical University of South Carolina to Columbia/HCA Healthcare Corporation as well. Under the measure, before the Budget and Control Board could sign any contract it must first consult with the Department of Education. The Senate also voted to eliminate a current perk authorizing free health care for legislators at MUSC. However, state employees with insurance still would not be responsible for any co-payments. **H. 4409** provides for the type of instrument which may preclude the severance of the right of survivorship. The measure includes an instrument in which a person or persons makes a conveyance to himself and at least one other person. **H. 4663** provides that the granting of bail is discretionary in most cases. However, bail would continue to be prohibited for offenders serving life or death sentences, or serving sentences longer than ten years. The bill also was amended to address alienation of affection litigation, to provide for just cause. **H. 4694** provides state guidelines for the newly deregulated telecommunications industry. The measure is designed to ensure continued accessibility to and affordability of the services. It allows local telephone companies to compete against each other, and to earn greater profits while providing checks for numerous rate increases. **H. 4865** was recalled from the Banking and Industry Committee last week and given third reading. The measure reforms property insurance problems faced by coastal residents. It revises insurance premium rates for coastal areas based on ninety per cent of rates approved for the South Carolina Wind and Hail Underwriting Association. It also provides that rates may not increase more than once every six months. **H. 4976** addresses a recent rash of church burnings across the state. The measure doubles the sentence to ten years in cases where there is no injury or only partial defacement. More serious cases still would be covered by existing arson laws which carry sentences of up to twenty-five years.

received third reading, sent to the House

S. 453 provides that school districts may buy approved textbooks directly from the supplier when these books are not available through the Department of Education. Districts will be reimbursed for these purchases. The measure also prohibits districts from offering courses for which there is no approved textbook. **S. 930** provides for a referendum to determine whether members of the governing body of a special purpose district should be elected, rather than appointed by the governing body of the municipality in which it is located. **S. 1167** authorizes that certain information concerning records of juvenile offenders must be provided to all crime victims, not just victims of violent crimes. This could cost the state over \$200,000 the first year and \$185,000 annually thereafter. **S. 1374** enacts the "Private Correctional Facilities, Programs, and Services Act." The measure permits privatization of state and local prisons.

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concurrent resolution adopted

H. 4635 memorializes Congress to strengthen laws restraining the amount of violence, drugs, sex, and inappropriate language and behavior on television.

received second reading

H. 3785 enacts the "Massage Practice Act." The measure revises regulations of masseurs and masseuses, and establishes disciplinary actions for violations. The measure also creates the Board of Massage. H. 4541 increases fines and penalties for unlawful destruction or desecration of human remains or graves. Senators amended the bill to provide for a monument on the State House grounds honoring the accomplishments of African-Americans in the state. H. 4542, concerning the Setoff Debt Collection Act, includes municipal, county, and regional housing authorities as claimant agencies. H. 4979 authorizes revision of existing capital improvement bonds to provide \$400,000 for the Cheraw State Fish Hatchery and nearly \$1.5 million dollars for the Turbeville Correctional Institution.

committed

H. 4138 was committed to the Finance Committee. The bill provides for a referendum to raise sales tax by a penny and to adopt a flat six per cent income tax with a three hundred fifty dollar (\$350) per person deduction. In exchange for doing this, all property taxes would be eliminated.

recalled

H. 3732 provides that driving with a canceled, suspended, or revoked license is a misdemeanor. The measure also reduces the sentence for a second offense from sixty days to thirty days, so that cases may be tried in magistrate's court rather than in circuit court. H. 4012 establishes a special thirty dollar (\$30) license decal for intrastate logging trucks, and specifies acceptable load lengths. H. 4501, concerning the "Setoff Debt Collection Act," excludes debts owed to a county hospital when the debtor and the hospital have entered into a written agreement which the debtor currently is fulfilling. H. 4542, also concerning the "Setoff Debt Collection Act," includes municipal, county, and regional housing authorities as claimant agencies. The bill received second reading in the Senate last week too. H. 4774 provides an optional method of valuing Homeowner's Association Property for tax purposes. The measure amends the code to define such property, and requires that owners of real property or their agents must make a written application to the county assessor to qualify for this provision. H. 4782 shields registered mortgage loan brokers from civil liability for third party violations of the Federal Truth in Lending Act. It also establishes provisions for satellite offices and registration fees. H. 4795 stipulates that a creditor providing a real estate loan must notify the borrower in writing of the creditor's preference of attorney. H. 4796 provides that the Department of Public Safety shall assess the value of motor carrier vehicles for property tax purposes. The measure also authorizes owners of semitrailers to

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pay a onetime fee of eighty-seven dollars (\$87) in lieu of property taxes and registration. **H. 4818** provides for a child to be placed in a secure juvenile detention facility when there is no suitable alternative placement, and it is determined that detention is in the child's best interest or is necessary to protect either the child or the public. The bill also provides for periodic review of the case. **H. 4825** clarifies last session's gas tax bill. The measure provides that licenses are in lieu of other taxes, and that the backup tax applies to alternative fuels as well as gasoline. Also included in the bill, a license may be suspended or revoked for failure to comply with deferred payments. **H. 4833** updates the Procedures Act of 1995 to comply with current provisions. It conforms the statute of limitations on gas tax to make it consistent with other taxes. The measure also clarifies provisions relating to unclaimed property and jeopardy assessments, and extends time constraints for protest and filing periods. **H. 4834** provides numerous revisions to state tax laws. The bill authorizes alternative means for signing and storing income tax returns, as well as for submitting payments. It redefines liabilities of innocent spouses where primary responsibility for the incurred tax rests with the other spouse. The measure also provides a tax exemption for certain medical supplies. **H. 4865** reforms property insurance problems faced by coastal residents. It revises insurance premium rates for coastal areas based on ninety per cent of rates approved for the South Carolina Wind and Hail Underwriting Association. It also provides that rates may not increase more than once every six months. This bill received third reading in the Senate last week and has been returned to the House for concurrence. **H. 4902** enacts the "South Carolina Transportation Infrastructure Bank Act." The proposed legislation creates the banks to make loans, and to provide other public transportation facilities. **H. 4979** authorizes revision of existing capital improvement bonds to provide \$400,000 for the Cheraw State Fish Hatchery and nearly \$1.5 million dollars for the Turbeville Correctional Institution. The measure received second reading in the Senate last week.

recalled and committed

H. 4589 was recalled from the Transportation Committee and committed to the Judiciary Committee. The bill increases the maximum penalty for a driver's failure to stop when involved in an accident causing injury or death. Rather than the current sentence of thirty days to one year, violators could face up to fifteen years in prison.

special order

S. 1322 provides for a referendum concerning the length of the legislative session. Currently lawmakers meet for five months out of the year. Voters would be asked if after convening in January each year, the Senate and the House should have the flexibility to meet in committees for a period to be determined by each body, or whether the bodies could adjourn for more than three days without the other's written consent. This joint resolution is designed to speed up the legislative process by passing measures more quickly through committees and onto the floor.

COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

Neither the full committee nor any of the subcommittees met last week.

EDUCATION AND PUBLIC WORKS

The Intermodal Transportation Subcommittee amended and gave a favorable report to **S. 1162** which allows a single dealer plate to be issued for a vehicle which a dealer lends to an economic development entity. The amendment to **S. 1162** proposes comprehensive changes. Among other things, the amendment:

- * Transfers the Division of Motor Vehicles from the Department of Revenue to the Department of Public Safety.
- * Allows for more equitable treatment for South Carolina drivers convicted under Interstate Driver's License Compact matters.
- * Removes driver's license suspension requirement for failure to pay property taxes and allows the Department of Public Safety to refuse to renew a driver's license until payment of property taxes.
- * Allows the Department of Public Safety to accept satisfactory written test scores from a qualified driver training/education program, thereby eliminating duplication of written testing at DMV field offices.
- * Allows DPS to garnish tax refunds rather than suspend driver's licenses for failure to satisfy financial requirements.
- * Extends commercial driver's license renewal to five years to match the renewal schedule for standard driver's licenses.
- * Allows DPS to enter into agreements with county and local law enforcement for the seizure of motor vehicle license plates and driver's licenses.

The full Education and Public Works Committee reported favorably on the amended version of **S. 1162**. The committee reported favorably on four other bills: **H. 4112**, as amended, directs the Department of Transportation collect information on and develop safety plans for one hundred meter stretches of highway where two or more accidents have occurred; **S. 1071** allows school districts to approve their own medical and religious exemptions from physical education; **S. 378** creates a special license plate for Shriners; and, **S. 67** creates a special license plate for the Marine Corps League. The committee also recommended the repeal of twelve Department of Education regulations as part of that department's rollback initiative.

JUDICIARY

While the full Judiciary Committee did not meet last week, several subcommittees did. The Constitutional Laws Subcommittee reported favorably on five bills. **S. 659** provides that hotels with liquor licenses may establish in each room a locked "hospitality cabinet" containing no more than thirty mini-bottles. **S. 921** provides that all regulations requiring review by the General Assembly would expire five years after their effective date unless approved for an additional five year period. Committee members amended the measure to include provisions from **H. 3581** that address public hearing requirements. **S. 1050** provides for a voter referendum to enact the "Victims' Bill of Rights." The proposed legislation strives to protect victims' rights to justice and due process. It authorizes victims to receive pertinent information concerning their cases, and allows them to be present and speak at proceedings. The measure also removes the five hundred dollar (\$500) restitution cap, provides additional means of collecting restitutions, and restricts release of offenders on bail. **S. 1100** requires the Secretary of State to monitor all elected and appointed state boards, commissions, and judicial offices. When vacancies occur, the Secretary would be required to publicize the openings. The bill also requires that a person not seeking re-election notify the joint screening committee in writing at least thirty days prior to the last filing day for that office or position. **S. 1327** prohibits the Governor from reappointing a magistrate who fails to meet training or certification requirements. This measure was introduced after reports that four magistrates who failed the test were able to keep their jobs despite a law requiring their removal.

The Election Laws Subcommittee reported favorably on several measures. **S. 556** authorizes the voter registration of a person not yet eighteen years old, but who will become eighteen years old before the next general election. **S. 583** is the enacting legislation for the former proposal. It calls for a referendum to amend the State Constitution so that a person not yet eighteen years old, but who will become eighteen years old before the next general election, may be registered to vote in that election. **S. 1028** abolishes a municipal election commission in cases where the county election commission has assumed total responsibility for municipal elections. **S. 1064** authorizes the use of paper ballots in special elections. **S. 1160** makes numerous revisions concerning election laws. The measure revises absentee ballots and their requirements, while providing that challenged votes are provisional. The Bureau of Vital Statistics is required to furnish the State Election Commission with a monthly report of persons eighteen years old or older who died during the previous month. Currently only those over twenty-one years old are reported. Other provisions provide for published notice of municipal elections, specify requirements for poll watcher badges, and provide for poll watchers for nonpartisan and write-in candidates. **S. 1213** authorizes a referendum to determine whether to delete the provision that a person may vote only in the precinct of his residence. A separate question on the ballot would ask whether to delete the provision that a person who moves within thirty days of an election must be allowed to vote in the precinct of his former residence. **S. 1216** brings the state into compliance with the federal "Motor Voter" law. It enacts provisions for multiple site voter registration, and specifies designated registration agencies. The fiscal impact of this legislation is estimated to be \$1 million dollars annually. **H. 4922** authorizes candidates to file their statements of intention of candidacy with the county election commission rather than the county executive committee of their respective party.

The General Laws Subcommittee reported favorably on two bills. **S. 1284** authorizes placement of a child in a secure juvenile detention facility when no suitable alternative exists, or

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when it is deemed that placement is in the child's best interest, or is necessary to protect either the child or the public. The bill also specifies the time frame for review, and expands the circumstances under which the Department of Juvenile Justice may fingerprint and photograph a juvenile. This measure is similar to **H. 4818**, which is on the Senate calendar for second reading. **S. 1286** prohibits daycare centers from knowingly hiring a person convicted of a violent or sexual crime, as well as certain other offenses. Such applicants would be guilty of a misdemeanor. They would be subject to a fine of up to five thousand dollars (\$5,000), a sentence of not more than one year, or both. The bill also requires that applicants be fingerprinted to determine any prior criminal history.

LABOR, COMMERCE, AND INDUSTRY

The Real Estate Subcommittee amended and gave a favorable report to **S. 66** which requires counties and municipalities to adopt nationally or regionally accepted building codes for new construction. The bill also provides for Building Code Enforcement Officers who would enforce the building code standards adopted by local governments. The subcommittee amended and reported favorably on **H. 4049** which removes plumbers, electricians, and heating/air conditioning mechanics from the definition of residential specialty contractor and redesignates them as mechanical contractors. The bill establishes a uniform statewide process for the licensure of these specialists and exempts them from further local regulation save for business license permits and inspection fees. The subcommittee recommended approval for **R. 1912** after it was withdrawn and resubmitted with technical changes by the Department of Labor, Licensing and Regulation. The regulation requires registered professional engineers and land surveyors to demonstrate continuing professional competency through coursework in order to re-register.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The Social Services, Mental Health and Children's Affairs Subcommittee amended and gave a favorable report to **S. 119**, The South Carolina Drug Impaired Infants Act, which establishes a statewide policy on alcohol and drug use during pregnancy emphasizing prevention and reform over coercion and punishment. Under the act, health care providers would be required to counsel pregnant patients on the perinatal effects of alcohol, cigarettes, and controlled substances. In the case of a high risk pregnancy where substance abuse appears to be involved, health care providers would also be required to inform the patient about treatment options including a referral to the Division of Alcohol and Other Drug Abuse Services Office of Women's Services. Such referrals would be made in complete confidence and could not be used for criminal prosecution. Women could not be turned away from publicly funded treatment programs for reason of their pregnancy, and would instead receive top priority. The bill also provides that a physician may order testing for alcohol and other drugs on a newborn without the consent of a parent or legal guardian. A preventative education campaign is established among state agencies and in public schools.

The Occupational Regulation and Licensing Boards Subcommittee gave a favorable report to **H. 3958**, a bill which aims to ensure that licensed dentists control aspects of dental treatment and services. To that end, the bill makes it unlawful for anyone other than a licensed dentist to

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employ a dentist, dental hygienist, or dental technician. It would also be unlawful for anyone other than a licensed dentist to control the course of a patient's treatment, the dental equipment used in that treatment, and the operation of a dentist's office.

WAYS AND MEANS

Neither the full committee nor any of the subcommittees met last week.

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BILLS INTRODUCED

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

No legislation was assigned to this committee last week.

EDUCATION AND PUBLIC WORKS

No legislation was assigned to this committee last week.

JUDICIARY

S. 930 SPECIAL PURPOSE DISTRICT ELECTIONS Sen. McConnell

The proposed legislation provides for a referendum to determine whether members of the governing body of a special purpose district should be elected, rather than appointed by the governing body of the municipality in which it is located.

S. 1167 CONFIDENTIALITY OF JUVENILE RECORDS Sen. Fair

The measure provides that certain information regarding records of juvenile offenders must be provided to all crime victims, rather than those of violent crimes. This could cost the state over \$200,000 the first year, and \$185,000 annually thereafter.

S. 1380 FINGERPRINT REVIEWS FOR SHERIFF CANDIDATES Sen. McConnell

This bill provides that candidates for sheriff do not have to submit required fingerprint reviews until forty-five days after filing, rather than sixty days before the close of qualification. The measure does not apply to incumbent sheriffs.

H. 5002 SAFETY AT CONVENIENCE STORES Rep. Harvin

This house resolution requests that the Department of Public Safety study safety procedures used at convenience stores, and report findings to the House Judiciary Committee.

LABOR, COMMERCE, AND INDUSTRY

H. 5008 PRIVATE PERSONNEL PLACEMENT SERVICES Rep. Jaskwhich

Under this bill, permanent, contract and temporary placement services would be considered private personnel placement services and placement services operated by nonprofit educational, religious, charitable, or eleemosynary institutions would no longer be exempt from regulation.

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MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

S. 1374 "PRIVATE CORRECTIONAL FACILITIES PROGRAMS AND SERVICES ACT"

Sen. Rose

This bill specifies ways in which local governments may make use of nongovernmental correctional facilities for confinement or supervision of offenders, juvenile delinquents, status offenders, and detainees.

WAYS AND MEANS

No legislation was assigned to this committee last week.

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FOOTNOTE

The Legislative Update is now on-line! Members and staff who are on the network may access documents by pressing "List Files (F5)," THEN TYPING "H:\UPDATE" and pressing "enter." All of the Legislative Updates will be listed by week. Using up/down arrows, choose the Legislative Update which corresponds to the week you need and press "enter."

If you need or prefer to access the Legislative Update through the World Wide Web, visit the South Carolina General Assembly Home Page (www.lpittr.state.sc.us). On the first page, click on the "Quick-Find Guide." Click on "Reports" on the next page. This will list all of the Legislative Updates by week. Then click on the week you need.

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